

Exhibit A

**Order Dismissing Granting CPL § 440.10 Motion in
People v. Emel McDowell, Ind. No. 12088/90**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: CRIMINAL TERM, PART 4

THE PEOPLE OF THE STATE OF NEW YORK,

--against--

DECISION & ORDER

Indictment Number 12088/90

EMEL MCDOWELL,

Defendant.

Hon. Matthew D'Emic, J:

Defendant moves to vacate his conviction, pursuant to C.P.L. § 440.10. In determining this motion, the court has heard defendant's oral motion to vacate and the People's consent to vacate judgment pursuant to C.P.L. § 440.10(1)(g) and (h).

The Court grants the defendant's motion to vacate. Accordingly, the judgment of conviction and sentence in the above-captioned matter is vacated.

Further, based on their representation that they no longer have sufficient evidence to prove defendant's guilt beyond a reasonable doubt, the People's motion to dismiss the indictment is granted. Accordingly, the indictment is dismissed and sealed.

This constitutes the decision and order of the Court.

Dated: March 16, 2023



HON. MATTHEW D'EMIC
JUSTICE OF THE SUPREME COURT

HON. MATTHEW J. D'EMIC